

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**SETH D. HARRIS, ACTING SECRETARY OF  
LABOR, UNITED STATES DEPARTMENT  
OF LABOR**

**vs.**

**JOHN J. KORESKO, V, et al.**

:  
:  
:  
: **NO. 09-988**  
:  
:  
:

**NOTICE OF APPEAL**

Notice is hereby given that JOHN J. KORESKO, V, JEANNE BONNEY, REGIONAL EMPLOYERS ASSURANCE LEAGUES VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUST, SINGLE EMPLOYER WELFARE BENEFIT PLAN TRUST, PENN PUBLIC TRUST, PENNMONT BENEFIT SERVICES, INC., KORESKO LAW FIRM, P.C., KORESKO & ASSOCIATES, P.C., Defendants in the above named case, hereby appeal to the United States Court of Appeals for the Third Circuit from the Order entered on the 3rd day of August, 2012, granting Plaintiff's Motion for Partial Summary Judgment [Dkt. 315].

Respectfully submitted,



John J. Koresko, V, Esquire  
Koresko Law Firm, P.C.  
PA I.D. No. 42795  
200 West Fourth Street  
Bridgeport, PA 19405  
610-992-2200

July 9, 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HILDA L. SOLIS, SECRETARY	:	CIVIL ACTION
OF LABOR, UNITED STATES	:	
DEPARTMENT OF LABOR	:	
	:	
v.	:	
	:	
JOHN J. KORESKO, V, et al.	:	NO. 09-988

ORDER

AND NOW, this 3rd day of August, 2012, upon consideration of the plaintiff's Motion for Partial Summary Judgment (Docket Nos. 267, 268, 269), the Koresko Defendants' response (Docket Nos. 284, 285) and F&M Trust's response thereto (Docket Nos. 281, 282), and the plaintiff's replies (Docket Nos. 297, 298, 299), and following oral argument on July 10, 2012, IT IS HEREBY ORDERED, for the reasons stated in a memorandum of law bearing today's date, that the motion is GRANTED IN PART and DENIED WITHOUT PREJUDICE IN PART.

The Court will grant the Secretary's motion as to defendants Koresko, Bonney, and PennMont for violations of ERISA Sections 403, 29 U.S.C. § 1103; 404(a)(1)(A), 29 U.S.C. § 1104(a)(1)(A); and 404(a)(1)(B), 29 U.S.C. § 1104(a)(1)(B) for all three Plans. The Court will grant the motion as to defendants Koresko, Bonney, and PennMont for violations of ERISA Section 406(a)(1)(D), 29 U.S.C. § 1106(a)(1)(D) as to the Cetylite Plan, and deny without prejudice as to the Decor and Castellano Plans. The Court will deny the motion without prejudice as to KAPC and KLF, and as to violations of ERISA

Section 406(b) (1), 29 U.S.C. § 1106(b) (1).

The Court will defer a decision on whether the relief requested by the Secretary is appropriate until a later time. In the interim, the Court will consider any request for narrower, more limited injunctive relief that the Secretary may seek based on the Court's decision on the instant motion.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Notice of Appeal has been served upon all interested parties and counsel by electronic means or U.S. First Class Mail to the addresses appearing below and on the date noted:

The Honorable Mary A. McLaughlin  
United States District Court for  
the Eastern District of PA  
601 Market Street, Room 13614  
Philadelphia, PA 19106

Linda M. Henry, Esquire  
Joanne Roskey, Esquire  
Ashton S. Phillips, Esquire  
U.S. Dept of Labor Office of the Solicitor  
170 S. Independence Mall West  
Suite 630 The Curtis Center  
Philadelphia, PA 19106

A handwritten signature in black ink, appearing to read 'J. Koresko', with a long horizontal flourish extending to the right.

---

John J. Koresko, V, Esquire

July 9, 2013